THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22143 OF 2005

DATED 07.10.2005

Khaja Moinuddin Khan, S/o Mohd. Khan,

R/o 5-104, Darga Hussain Shahwali, Raidurg (V),

Serilingampally Mandal, R.R.District and another.

…Petitioners

and

The Mandal Revenue Officer, Serilingampally Mandal,

At Serilingampally, R.R.District and others.

…Respondents

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ORDER:

The petitioners assail the proceedings of Mandal Revenue Officer, Serilingampally Mandal, the first respondent herein, issued on 06.04.1993 as illegal and seek a consequential direction to enter the names of the original pattadars in all the revenue records in respect of lands admeasuring Ac.4.34 guntas comprised in Survey Nos.40, 41 and 46 of Raidurg Nowkhalsa village, Serilingampally Mandal. It is the case of the petitioners that respondents 5 to 7, 9 and 12 approached first respondent under Section 5-A of A.P.Rights in Land and Pattadar Passbooks Act, 1971 (for short, the Act) alleging that on 20.02.1971, the petitioners and three others executed an agreement of sale, that the first respondent without issuing any notice to the petitioners or other co-owners issued impugned proceedings under Section 5-A of the Act regularizing the same and that in January, 2005, on perusal of Pahanis for the year 2000-2001, the first petitioner noticed that the names of Eaga Gandaiah, Komaraiah and Narsing Rao were recorded as pattadars and it came to light that respondents 5 to 7 being legal representatives of Komaraiah along with Narsing Rao, respondent No.9 herein, sold half of the land to respondents 3 and 4 under registered sale deeds dated 07.09.1995. The petitioners allege that they never effected any sale by executing any document on 20.02.1971 and that the respondents obtained certification under Section 5-A of the Act by producing forged document and playing fraud. Therefore, they seek a writ of certiorari to quash the same.

This Court has heard the lengthy arguments made by Sri O.Kailashnath Reddy, learned counsel for the petitioners. These contentions are refuted by the learned Assistant Government Pleader.

The petitioners herein initially filed an appeal under Section 5-B of the Act before the Revenue Divisional Officer, the second respondent herein, who by *ex parte* order dated 20.06.2005 remanded the matter to the first respondent for fresh enquiry, and that aggrieved by the same respondents 3 and 4 claiming title over an extent of Ac.3.19 guntas filed W.P.No.16722 of 2005 before this Court and obtained orders suspending orders of the second respondent. It is also not denied before this Court, the petitioners are not aggrieved by the orders of the second respondent, remanding the matter to the first respondent. Therefore, the remedy of the petitioners is to pursue the W.P.No.16722 of 2005 filed by respondents 3 and 4 and a separate writ petition assailing the proceedings of the first respondent dated 06.04.1993 after long lapse of about twelve years is not maintainable. Further, having already availed alternative remedy available under the statute, the petitioners cannot again file a separate writ petition challenging the same.

The writ petition is misconceived and is accordingly dismissed in *limini.*

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(V.V.S.RAO,J)

07.10.2005

pln